

**Town of Milton
Town Council Meeting Minutes
November 7, 2005**

OPEN FLOOR (7:15 p.m.):

- A) Mary Hudson of 406 Union Street- read excerpts from the PLUS review comments for the North Milton Development to those in attendance. She would like the Council to ask the developer to comply with the issues and would like Council to make sure the developer follows through.
Mayor Bushey stated all annexations must go through a PLUS review and the developers must comply with the conditions put on the project.
Councilman Dvornick stated the developers have requested a LDP overlay and that does allow Planning and Zoning to place specific conditions on the project as well as Town Council.
Councilman Prettyman and Councilman Post stated this is just the start of the process and there are various issues being addressed.
- B) Lynn Ekelund of 406 Union Street-asked Mr. Godwin about the resumes from the design build team for the sewer and water treatment plant and the timeline given in October. Mr. Godwin explained the timeline, the process of each step and the referendum process.
- C) Richard Cannon of 606 Mulberry Street-was concerned about the amount of noise lately in the neighborhood coming from motorcycles, and cars with loud booming radios coming from Bodies. He would like the police to enforce the noise issue.
Chief Phillips responded there have been several tickets and an arrest due to noise.

Mayor Bushey offered a moment of silence at 7:40 p.m. The Pledge of Allegiance followed.

Mayor Bushey called roll.

PRESENT: Mayor John Bushey
Councilman Gene Dvornick
Councilwoman Ronda Melson
Councilman Don Post
Councilman Noble Prettyman

THOSE ABSENT: Councilwoman Leah Betts
Councilman Jerry Hudson

Others Present: Hal Godwin, Town Manager
Eric Evans, Code Enforcer
Allen Atkins, Maintenance Supervisor

Others Present: Gina Jennings, Finance Director
William Phillips, Chief of Police
Bob Kerr, Town Engineer
Tim Willard, Town Attorney

Presentation and Approval of Minutes

Councilman Prettyman made a ***motion*** to approve the minutes of the September 26, 2005 special meeting, seconded by Councilwoman Melson.

Councilman Dvornick had a correction in the wording of the minutes.

Motion carried - "Aye"

Councilman Dvornick made a ***motion*** to approve the minutes of the October 3, 2005 regular meeting, seconded by Councilman Prettyman

Councilman Post made a correction to the minutes in regards to the Cost Benefit Analysis.

Motion carried – "Aye"

Committee Reports

Sewer & Water – No report was available.

Streets & Sidewalks – Councilman Prettyman spoke with Dave Wood last week, the bids for the Mulberry Street Project will be sent out November 8th. All easements have been signed. The funds are still available.

Mr. Godwin wanted clarification on the 15 minute signs placed on Federal Street.

Councilman Post stated only one sign should be placed on the street not two signs.

Mayor Bushey asked to have the item placed on the November agenda and the minutes should be reviewed before the next meeting.

Personnel/Pension – Councilwoman Melson stated there was nothing to report.

Parks & Recreation – Councilman Post reported there will be a meeting on November 12th at 1 p.m. on Mulberry Street at the spillway. The topic will be the Bicentennial Park. The committee has received a \$35,000.00 grant from the State for the park. Rails to Trails has also received a \$25,000.00 grant.

Economic Development – The Town Survey has gone out to the residents. Councilman Post asked those in attendance to complete the survey and return it as soon as possible. There should only be one survey per household.

Councilman Dvornick reported 893 surveys were mailed out with 25 returned due to bad addresses. One hundred replies had been received as of November 4th.

Planning & Zoning – No report was available.

Board of Adjustment – No report was available.

Milton Development Corporation – Nothing to report.

Finance/Risk Management – Councilman Dvornick reported the committee will meet sometime in November to review the information prepared for the audit.

200th Anniversary- Councilman Prettyman informed there will be a meeting on November 22, 2005 at the Library at 6:30 p.m.

Police Building – Chief Phillips said there was nothing to report.

Mayor Bushey announced the town now has a web site available. The web address is www.ci.milton.de.us and will be updated frequently with Town information.

Written Reports

Maintenance Report- Councilman Dvornick made a **motion** to approve the report as presented, seconded by Councilman Prettyman.

Motion passed “Aye”

Code Enforcer Report- Councilman Dvornick made a **motion** to approve the report as presented, seconded by Councilwoman Melson.

Motion passed “Aye”

Police Department Report- Councilman Prettyman made a **motion** to approve the report as written, seconded by Councilman Dvornick.

Motion passed “Aye”

Town Manager Report- Councilman Prettyman made a **motion** to approve the report as written, seconded by Councilwoman Melson.

Councilman Post asked Mr. Godwin if a workshop date had been set for the public to review the sewer and water cost out. Mr. Godwin replied no date had been set.

Councilman Post highly recommended the PLUS review reports be given to the Planning and Zoning Commission and the Board of Adjustment committee.

Councilman Post asked about the meeting between the Town Manager and the State Planning Director. Mr. Godwin gave a brief statement on the meeting.

Councilman Post asked to be informed of the next meeting with the State Planning Office so he can make arrangements to attend.

Motion passed “Aye”

Correspondence

- Councilwoman Melson referred to a letter from the Delaware Preservation Fund. Grants are available for buildings that are on or eligible for listing on the National Registry or which are located in the designated Historic District. Information regarding the grants is available at Town Hall. The deadline is December 9, 2005.

Old Business

Radio-read Water Meters

Mayor Bushey stated the issue will be referred to the Water and Sewer Committee.

Cost of Service Study

Mr. Godwin informed Council Mr. Hartland from Urban Partners met with the staff on Friday, November 4th to gather information.

Adoption of Amended Budget

Councilman Prettyman made a **motion** to approve the amended budget, seconded by Councilwoman Melson.

Councilman Post asked about the pay scale and where certain employees fit into the scale. He thinks it was molded to someone's liking and has a problem with the way the budget was handled this year.

Motion passed "Aye"

New Business

Vulnerability Assessment in Preparation for Development of an Emergency Plan

Jim Weldin introduced himself to Council and explained his services. He encouraged the town to put a plan in place in the event of an emergency. This plan will help the town handle an emergency before Federal help arrives. The Delaware League of Local Governments pays for the vulnerability assessment. Development of the emergency plan would cost \$3,500.00 to \$6,000.00.

Archeological and Historic Preservation Concerns regarding annexation

Russ McCabe asked the Council to give some deep thought regarding the history of Milton. He is concerned about the open spaces that are presently asking for annexation and the historical artifacts that may be found on the property. He would like to see the Council have a statement in the annexation agreement to preserve the artifacts found on the property with the Town or the Historical Society.

Proposed Franchise Code-Chapter 20

Mr. Godwin proposed to delete the current Chapter 20 in the code book since it is no longer being utilized. He proposed new verbiage that could be adopted into Code to allow the Town to award a gas franchise and have code to back it up.

Councilman Post made a **motion** to table the topic and discuss it during a special meeting, motion seconded by Councilman Dvornick

Motion Passed "Aye"

Ordinance Amendment Section 2-17 Administrative Authority

Mayor Bushey stated the proposed amendment changes the authority in Chapter 2 paragraph 17 of the Personnel Ordinances to the Town Manager. Councilman Post would like to see changes to the ordinance and thinks a Personnel Committee should be in place for an appeals process and to handle exit interviews.

Councilman Dvornick made a ***motion*** to refer Councilman Post's comments to Mr. Willard and then have the Personnel Committee review the ordinance before it comes back to Council. The motion was seconded by Councilwoman Melson. Councilman Prettyman stated he would like to see people from the community on a committee for employee grievances. Mayor Bushey stated there were legal issues with the suggestion since personnel matters are to be held confidential.

Motion Passed "Aye"

Adoption of Standard Specifications and Details for Utility Design and Construction

Councilman Dvornick stated this was a report Cabe Associates has been working on for a year and a half that deals with specifications for water, sewer, fire hydrants, street widths and sidewalk construction. All new developments would need to follow the specifications. Mr. Kerr answered questions regarding the report.

Councilman Dvornick made a ***motion*** to accept the report as written. It was noted there may be additions at a later date. The motion was seconded by Councilman Prettyman.

Motion Passed "Aye"

Partition Request for Parcel 2-35 20.07-74.00- 102 Union Street (Milton Dev. Corp)

Dr. Wagner addressed the Council and explained the request. The back portion of the lot will be taken off from the portion containing the house and added to the deed for the Milton Theatre. Mayor Bushey asked for clarification on where the parking will be for the house.

Councilman Post made a ***motion*** to approve the subdivision, seconded by Councilwoman Melson.

Motion Passed "Aye"

Presentation of Overview of Clipper Ship Riverwalk Project

Dr. Wagner gave a presentation of the project under the previous agenda item.

Request for Town Support of Milton Theater Projects

Dr. Wagner stated the theater has held several concerts this summer due to bad weather and charge a minimal fee. There will be a need for a building to hold Town meetings and the theater would like to accommodate those meetings. In return the theatre is requesting financial support from the town.

Mayor Bushey asked Councilman Dvornick to speak with their Financial Officer and come to some sort of agreement and bring the recommendation back to Council.

Councilman Post felt the Town should look into giving financial support to this group and others groups as well.

Annexation Request for Parcel 2-35 21.00 44.00 (Ludwig Stuchlik)

Councilman Post would like clarification regarding how this land is contiguous with property located within Town limits.

Mr. Willard stated the applicant purchased a 25 X 25 square foot piece of property that gives them contiguousness. He is not aware if a deed has been recorded showing the transfer of the property to the applicants. Addressing Councilman Post's concerns, if the parcel is located within the Comprehensive Plan and is contiguous then the application should be forward to Planning and Zoning.

Mayor Bushey asked Mr. Evans to send a letter to the applicants asking for verification the land is contiguous with Town limits.

Subdivision Request for Parcel 2-35 14.00 565.00 (Shipbuilders LLC)

No one was present on behalf of the applicant. Council did not address the issue.

EDU Request for Milton Marina Project-Eagle Eye Development

Lynn Celia addressed Council and stated the project has received Preliminary Site Plan approval from Planning and Zoning. Ms. Celia believes the project needs 45 EDUs. The group would like to pre-purchase the EDUs needed. According to Bob Kerr, there are only 24 EDUs available.

Ms. Celia would like to pre-purchase due to the fact the current pre-purchased EDUs are not being utilized and will probably expire before they are used.

Councilman Dvornick made a ***motion*** for the Water and Sewer Committee to meet with the Town's Engineer within 15 days regarding the remaining EDUs. Ms. Celcia is also to attend the meeting. Councilman Prettyman seconds the motion.

Motion Passed "Aye"

Councilman Prettyman stated he is very upset Hillside Flowers has been given their eviction notice as of December 31, 2005. There are very few thriving businesses downtown and he feels the Council should help this business find another location or at least do what they can to keep the business here in town.

The Ed McMahon presentation has been rescheduled for Thursday, December 1st at 7 p.m. Mariner Middle School.

Councilman Dvornick made a ***motion*** to adjourn the meeting, seconded by Councilman Prettyman.

Respectfully submitted,

Stephanie Coulbourne

Slc: 11/14/05